

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>7/25/08</u>

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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 NESIM BAHAR, SIMON ELIAS, JACQUELINE :
 M. C. ELIAS, IZAK SENBAHAR and SARAH :
 SENBAHAR, :

Plaintiffs, :

v. :

UNITED STATES OF AMERICA, :

Defendant. :
 -----X

ECF CASE

08 Civ. 4738 (WHP)

**AMENDED
SCHEDULING ORDER**

JUL 16 2008

WHEREAS, on May 21, 2008, plaintiffs filed with this Court a complaint and motion for temporary restraining order and preliminary injunction seeking to bar defendant the United States of America, acting through its agency the Internal Revenue Service ("IRS" or the "Government"), from taking any collection action with regard to Plaintiffs' federal tax liabilities for the 2003 through 2005 tax years;

WHEREAS, the Court held two conferences with counsel for the parties on May 21, 2008 and May 22, 2008, respectively;

WHEREAS, the Court declined to grant plaintiffs' motion for a temporary restraining order;

WHEREAS, on May 22, 2008, the Government represented to the Court that IRS will suspend any collection activities against plaintiffs Nesim Behar, Simon Elias and Simon Senbahar with respect to their federal tax liabilities for the tax years 2003 through 2005 until the Court has resolved plaintiffs' pending motion for a preliminary injunction;

WHEREAS, on May 27, 2008, the Court entered a Scheduling Order submitted by the parties establishing a briefing schedule for plaintiffs' pending motion for a preliminary

injunction and ordering IRS to suspend collection activities against plaintiffs Nesim Behar, Simon Elias and Simon Senbahar with respect to their federal tax liabilities for the tax years 2003 through 2005 until the Court has resolved such motion;

WHEREAS, on June 27, 2008, pursuant to the Scheduling Order, plaintiffs served upon the Government supplemental briefing, declarations and other documents in support of their preliminary injunction motion;

WHEREAS, at plaintiffs' request, IRS subsequently agreed to suspend collection activities against plaintiffs Nesim Behar, Simon Elias and Simon Senbahar with respect to their federal tax liabilities for the tax year 2006 until the Court has resolved the pending preliminary injunction motion; and

NOW, THEREFORE, IT IS HEREBY ORDERED AND DECREED:

1. The Government's opposition to plaintiffs' motion for a preliminary injunction shall be due on or before September 2, 2008.
2. Plaintiffs' reply shall be due on or before September 29, 2008.
3. Oral argument on plaintiffs' motion for preliminary injunction shall be held at 12:30 ~~a.m.~~ [p.m.] on October 24, 2008 at the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York, in Courtroom 11D.
4. IRS shall suspend any collection activities against plaintiffs Nesim Behar, Simon Elias and Simon Senbahar with respect to their federal tax liabilities for the tax years 2003 through 2006 until the Court has resolved plaintiffs' pending motion for a preliminary injunction.

SO ORDERED:

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WILLIAM H. PAULEY III U.S.D.J.

7/24/08